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OFFICE OF PETITIONS

In re Application of Benavides et al. :
Application No. 10/786,810 : Decision on Petition
Filing Date: February 25, 2004 :
Attorney Docket No. ST01023 US CNT :

This is a decision in response to the petition under 37 CFR 1.48(a) filed on August 16, 2005.

The petition is **granted**.

The declaration filed on June 22, 2004, listed Yvette Henin as the third inventor.

When Yvette Henin received the declaration, Henin signed the portion of the declaration under her name. Henin also added the name "Henin" as a fifth inventor.

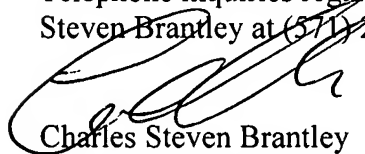
The petition seeks to have Henin's name only appear once as an inventor for the application.

A Rule 48(a) petition requires:

- (1) request along with fee under Rule 17(i) (\$130),
- (2) a statement from each person being added and from each person being deleted that the error in inventorship occurred without deceptive intention on his or her part,
- (3) correct executed oath/dec (or oath/dec as permitted by 37 CFR 1.42, 1.43 or 1.47) and
- (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee.

As for item (4) above, the assignee has not explicitly consented to the change of inventorship. However, considering all the facts and circumstances, the assignee's submission of a statement under Rule 3.73(b) with the petition will be construed as consent.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.


Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Attached: Corrected Filing Receipt